

## **Meeting Notes Waste Site Remediation Permit Streamlining Task Force June 28, 2001**

Meeting Attendees: Craig Lizotte, Sue Courtemanche, Kendra Beaver, Dave Hazebrouck, Rich Hittinger, Steve Caderette, Sandra Whitehouse, and Jennifer Cole Steele, DEM – Jan Reitsma, Terry Gray, Gary Waldeck, Kelly Owens, Sally Spardaro, Tom Getz

Terry Gray briefed the Task Force members on the progress of the Brownfields Working Group. He described the basic outcomes of the first six meetings.

The first meeting was an organizational meeting and the group reviewed the issues of concern developed by the Waste Site Remediation Permit Streamlining Task Force and grouped them by topic. The group identified the need to revise the model Settlement Agreement as a major issue that needed to be addressed.

The second meeting focussed on the Draft Settlement Agreement. There was agreement that the initial draft Settlement Agreement relied too heavily on the federal model. This approach was not always conducive to clean up of properties and needed to be changed. In addition, the cover letter that accompanies the model settlement agreement needed to be made more positive. Natural resource damages should not be included in the "Reservation of Rights" section of the agreement. This topic was moved to the "Work to be Performed" section and a decision on these issues would be made earlier in the process, i.e., the site evaluation process and the remedy.

Copies of the Draft Settlement Agreement will be distributed electronically to all members of the Task Force and Terry requested that comments should be provided to him by July 13, 2001.

The third meeting was called: Getting Off on the Right Foot with a Brownfields Project and began with a discussion of the progression of a typical commercial development project and at what point environmental issues are included on the critical path. The group discussed the value and structure of a good pre-project meeting, and what would be expected from DEM and other parties for a successful meeting. The model for a good pre-project meeting is applicable and could be applied to other permitting programs.

The group discussed the development of possible outreach materials, including the need to update a general document that could be called: "What are Brownfields?". A lot of questions are asked about finding the appropriate environmental consultant. It was thought that a brochure entitled "How to hire a consultant" could be developed. Terry mentioned that New Jersey has a good information on this topic and we might use their document as a model.

The fourth meeting discussed DEM public notice and participation procedures. In general the group thought the existing process was working, the process did let the public know about clean-ups. It was thought that noticing the Settlement Agreement in the legal section of the newspaper was less than ideal, but the requirement of noticing abutter properties was useful in informing the neighborhood about the activities. It was also agreed that DEM would notify the municipality about the project, especially in the Settlement Agreement phase of the project.

The fifth meeting discussed inventories of Brownfields sites including the currently available inventories from DEM and EDC and the limitations of those lists. The group discussed if there is a stigma attached to Brownfields sites, and what could be done to overcome this perception. At this meeting, GrowSmart RI outlined a plan to task an intern to review existing databases throughout the state that may have Brownfields-like properties listed.

The sixth meeting discussed the implementation of the GrowSmart RI recommendations. A summary of the progress of the Brownfields conference was distributed and Terry briefly went over this document.

Terry mentioned that the group would be meeting on June 29, 2001 to discuss Distressed Properties and Bankruptcies.

In order to complete the work of the Working Group, Terry thought there would need to be one more meeting to discuss the specific recommendations of the group that should be included in the final report. We will try to set up a meeting in the third week of July to discuss these issues.

The Director then opened up the meeting for questions. He wanted to know if there were any other issues or concern that had not been raised that should be discussed. The following issues were raised:

- Was DEM going to consider having an advocate for the Brownfields Program located in OTCA?

At this point in time no. DEM has appointed Kelly Owens as the DEM point of contact on this issue and EDC has named Adrienne Southgate as their contact. They will be responsible for coordinating Brownfields issues in their respective agencies and this should resolve a lot of program issues with respect to coordination.

- Will DEM provide a process to expedite Brownfields projects?

DEM will adopt the mission statement that was developed as part of this process. We will also develop a policy statement that will be used in the department indicating that Brownfields projects will be a priority. The Marginal Risk Policy will also be applied to Brownfields projects, where applicable, and will streamline the approval process. DEM is also looking at staff reorganization. There are two approaches that are being considered. In the first instance, DEM could create a unit that only does Brownfields projects. In the second approach, DEM could balance the workload of Brownfields projects among the staff and manage the caseload in this way. In the second approach, DEM could manage an influx of projects and would not rely on just a few people to review these projects.

- A question was asked if new staff will be hired? There was concern that if DEM and EDC were successful in marketing the sites, the existing staff would not be able to keep up with the demand.

Terry mentioned that a new supervisor position would be hired. This is not a new position, but one that had not been filled for a while. The Director mentioned that he did not see DEM getting new resources in the future and we needed to think of other ways to meet this demand.

- It was mentioned that a Legislative Commission was being formed to look at the issue of DEM staffing of the program among other issues. This may be a way to alert the legislature of the need for more resources in this program.

The director thought there might be opportunities to discuss the issue of resource needs with this Commission.

- A question was raised on the ability of the Rhode Island Society of Environmental Professionals (RISEP) to work with the RI Bar Association on a training course that could address some of the issues that were raised by the Task Force, such as application quality. There needs, however to be incentives to have professionals attend these courses.

The Director indicated his willingness to participate in these courses, but another group would need to take the lead on the course development. With respect to the incentives, it was suggested that DEM could list consultants who have completed courses on the web or distribute this information to people who request this information. In addition DEM could require yearly continuing education credits to be maintained on this list.

Concerns were raised that there were no assurances that attendance at the courses could correlate into the ability to produce good work products. DEM needs to decide if it wanted to license professionals. Requiring yearly educational courses was problematical if it was not tied to licensure. There were strong sentiments raised that members of RISEP need to discuss this issue and bring back a proposal to DEM on this issue. The director also expressed his concern about DEM's liability and indicated that more work needs to be done on this topic.

Another possible incentive could be DEM posting successful Brownfields projects on the DEM website and mentioning the environmental professionals and the lead attorney who worked on the case. The group cautioned DEM about doing this because people often leave firms before the work is finished.

It was suggested that DEM could host a workshop on "Pet Peeves about Submissions". In this way the consultant community could learn by the mistakes of others. DEM has developed a checklist that should address some of these problems, but this could be an element in a workshop that discusses case studies about approaches that worked/ did not work.

- A question was raised about the need for developing material that would advise the community about the fiscal resources that were available to remediate Brownfields sites.

Terry Gray mentioned that a lot of this information exists on the EDC website. They are working, however, to make this information more prominent on the website. He mentioned that EDC has funds to evaluate two sites, i.e. Crompton and Stillwater Mills under the Central RI Industrial Pilot. In addition EPA has provided one million dollars for a Brownfields Revolving

Loan Fund that is being administered by EDC. They are in the process of setting up the administrative processes to manage this fund.

A question was raised about the development of outreach materials.

- Terry indicated that the joint DEM / EDC website will be up and running by July 31. Other outreach materials are being worked on and include updating the general Brownfields material and developing new material such as, "How to Address Environmental Contamination", and "How to Hire a Consultant".